

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

MARY ELIZABETH CARADONNA,

Plaintiff,

Case. No. 18-13228

v.

Honorable Thomas L. Ludington
Magistrate Judge Patricia T. Morris

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

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ORDER ADOPTING REPORT & RECOMMENDATION, GRANTING PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT, DENYING DEFENDANT'S MOTION FOR SUMMARY JUDGMENT, AND REMANDING THE CASE FOR REHEARING

Plaintiff filed the present application for Title II Disability Insurance Benefits on September 11, 2014, alleging that her disability began June 20, 2014. (R. 9, PageID.220.) The Commissioner denied the claim. (*Id.*, PageID.114.) Plaintiff then requested a hearing before an Administrative Law Judge (ALJ), (*Id.*, PageID.123), and received two hearings; the first occurred on December 13, 2016, (*Id.*, PageID.75-96), and the second on June 1, 2017, (*Id.*, PageID.58-74). The ALJ issued a decision on August 1, 2017, finding Plaintiff not disabled during the relevant period. (*Id.*, PageID.42-52.) On August 13, 2018, the Appeals Council denied review, (*Id.*, PageID.30-32), and Plaintiff filed for judicial review on October 16, 2018. (R. 1). She moved for summary judgment on March 15, 2019, (R. 15), and the Commissioner countered with its own Motion the following month, (R. 18).

The matter was referred to Magistrate Judge Patricia Morris. ECF No. 3. The parties filed cross motions for summary judgment. ECF Nos. 15, 18. On September 11, 2019, Judge Morris issued a report, recommending that Plaintiff's motion for summary judgment be granted, that

Defendant's motion for summary judgment be denied, and remanding the case under "sentence four" of 42 U.S.C. § 405(g). ECF No. 20.

Although the magistrate judge's report states that the parties to this action could object to and seek review of the recommendation within fourteen days of service of the report, neither party timely filed any objections. The election not to file objections to the magistrate judge's report releases the Court from its duty to independently review the record. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). The failure to file objections to the report and recommendation waives any further right to appeal. *Id.*

Accordingly, it is **ORDERED** that the magistrate judge's report and recommendation, ECF No. 20, is **ADOPTED**.

It is further **ORDERED** that Plaintiff's Motion for Summary Judgment, ECF No. 15, is **GRANTED**.

It is further **ORDERED** that Defendant's Motion for Summary Judgment, ECF No. 18, is **DENIED**.

It is further **ORDERED** that the case is **REMANDED** for further analysis by the ALJ.

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge

Dated: October 25, 2019